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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,518	07/02/2003	John E. Lertzman	50578/C995	3534

23363 7590 07/19/2010

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EXAMINER
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ART UNIT	PAPER NUMBER
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10612518	7/2/2003	LERTZMAN ET AL.	50578/C995

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**EXAMINER**

MICHAEL GOLDMAN

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**Commissioner for Patents**

The Examiner's Answer mailed on June 21, 2010 is hereby amended to include the following paragraph that was inadvertently omitted from paragraph 9, Grounds of Rejection:

(c) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burke in view of Phillips et al. (7,398,248).

Claim 9: Burke discloses the invention as in Claim 1 above, however he fails to disclose the feature wherein the providing the participant identification code to the merchant comprises of scanning a fingerprint or retina of the participant.

However, Phillips et al. discloses the method of providing the participant identification code to the merchant comprised of scanning a fingerprint or retina of the participant (see column 3, lines 20-24).

Both Burke and Phillips et al. disclose a method of confirming the identity of customers by biometric means in a retail environment with reward and rebate cards.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the Burke marketing method to include either a retinal scan or a fingerprint scan as taught by Phillips et al. in order to provide the security required to ensure improved automation and facilitation of a collaborative affinity marketing process.

/mg/

/James W Myhre/  
Primary Examiner, Art Unit 3688